

Chapter 12

NUISANCES*

Art. I. In General, §§ 12-1–12-20

Art. II. Anti-Blight, §§ 12-21–12-50

Art. III. Grass, Weeds and Other Rank Vegetation, §§ 12-51–12-54

ARTICLE I. IN GENERAL

Sec. 12-1. Depositing unhealthy matter.

(a) It shall be unlawful for any person to have, place or deposit or cause to be placed or deposited on his premises or the premises of another, or in any public place, any dead animal, putrefying carcass, carrion, animal or vegetable offal, or unclean or nauseous water, or any other filthy or decaying matter, or offensive substance to the injury of the public health.

(b) No person shall permit any excrement, unclean or nauseous water, garbage or any filthy or offensive substance to remain on his premises or the premises occupied by him to the injury of the public health, or so as to become offensive to his neighbors. No person shall permit any garbage to accumulate on his premises or the premises occupied by him except in tightly covered pails or containers.

(Ord. No. 57, §§ 1, 2, 4-27-20)

Secs. 12-2–12-20. Reserved.

ARTICLE II. ANTI-BLIGHT†

Sec. 12-21. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Blighted structure means any dwelling, garage, outbuilding, factory, shop, store, office building, warehouse or any other structure or part of a structure which, because of fire, wind, other natural disaster or physical deterioration is unfit for occupancy or useful for the purpose

***Cross references**—Dangerous buildings, § 5-241 et seq.; community development, Ch. 7; garbage and refuse, Ch. 10; offenses, Ch. 13; outdoor assemblies, Ch. 14; peddlers, solicitors and transient merchants, Ch. 16; utilities, Ch. 24.

State law references—Air pollution act, MCL 336.11 et seq., MSA 14.58(1) et seq.; environmental protection act, MCL 691.1201 et seq. MSA 14.528(201) et seq.

†**Editor's note**—Ord. No. 182, adopted July 25, 1989, amended Article II, §§ 12-21–12-25 in its entirety. Former Art. II pertained to similar subject matter and derived from Ord. No. 157, §§ I–IV, VI, adopted Dec. 6, 1983.

for which it was originally intended, or any partially completed structure which is not currently being constructed under an existing, valid building permit issued by the city. A dwelling unfit for human occupancy is defined by the BOCA Existing Structures Code as adopted by chapter 5, article VI of this code.

Building materials shall include but not be limited to lumber, bricks, concrete or cinder blocks, plumbing materials, electrical wiring or equipment, heating ducts or equipment, shingles, mortar, concrete or cement, nails, screws, or any other materials commonly used in constructing any structure.

Enforcement officer means the building inspector, any city police officer, or any other person designated by the city council to enforce the provisions of this article.

Firewood shall include logs, lumber, kindling or other materials intended for burning in wood stove, fireplace or other heat-producing device.

Junk means any abandoned, discarded, unusable or unused objects or equipment including, but not limited to, furniture, stoves, refrigerators, freezers, cans, implements, parts of motor vehicles, machinery, cloth, rubber, bottles, any metals, boxes, cartons or crates.

Junk automobiles shall include any motor vehicle which is not licensed for use upon the highways of the State of Michigan for a period in excess of thirty (30) days and shall also include, whether or not licensed, any motor vehicle which is inoperative for any reason for a period in excess of thirty (30) days.

Vacant buildings means any building which is unoccupied and which is not kept securely locked, with the windows glazed or neatly boarded up and protected against the elements and from vandals as well as from rodents and other animals.

(Ord. No. 182, 7-25-89)

Cross reference—Definitions and rules of construction generally, § 1-2.

Sec. 12-22. Purpose.

It is the purpose of this article to prevent, reduce or eliminate blight in the city by the prevention or elimination of contributing factors and causes of blight which exist or which may in the future exist in the city.

(Ord. No. 182, 7-25-89)

Sec. 12-23. Prohibited conduct.

Except as may otherwise be permitted by the holding of a specific business license or by other city ordinance, no person in the city shall:

- (1) Store, accumulate or permit the storage or accumulation of junk automobiles or junk on premises owned, leased, or occupied by him/her unless such items are stored within a completely enclosed building existing on the premises in full compliance with this Code and the Algonac zoning ordinance.

- (2) Store, accumulate or permit the storage or accumulation of any building materials on property owned, leased, rented or occupied by him/her for any period longer than reasonably necessary for the immediate use of such materials, but in no event longer than sixty (60) days.
 - (3) Maintain or permit the maintenance or existence of any vacant building on property owned, leased, rented or occupied by him/her.
 - (4) Maintain or permit the existence of a blighted structure for any period in excess of thirty (30) days.
 - (5) If firewood is stored upon the premises, it shall be stacked in an orderly fashion to a height not to exceed sixty-four (64) inches or if stacked adjacent to a neighboring fence shall not exceed the height of fence.
- (Ord. No. 182, 7-25-89; Ord. No. 92-07, 8-4-92)

Sec. 12-24. Enforcement.

(a) Before commencing prosecution under this article, the enforcement officer shall notify the violators of the existence of a violation under this article. Such notice shall be in writing and served upon the violators, either personally or by first class mail sent to the last known address of the violators or to the common address of the property upon which the violation exists. The violators shall be given ten (10) days from the date of personal service or twelve (12) days from the date of mailing the notice in which to remedy the violation. Additional time may be granted by the enforcement officer where bona fide efforts to remove or eliminate such causes of blight are in progress.

(b) A violation of this article shall constitute a municipal infraction as defined in section 1-2 of this Code of Ordinances.

(c) Each day that a violation under this article continues to exist shall be considered a separate violation subject to the penalties under section 1-13.

(Ord. No. 182, 7-25-89; Ord. No. 96-03, § 5, 1-9-96)

Sec. 12-25. Appeal.

Where the enforcement of any part of this article constitutes a hardship, and upon appeal by the proprietor, the city council may waive any such part of this article as it deems necessary.

(Ord. No. 182, 7-25-89)

Sec. 12-26. Penalties.

A person who violates any provision or provisions of this article, upon conviction, shall be punished with a fine not exceeding five hundred dollars (\$500.00) or imprisonment in the county jail for a period not to exceed ninety (90) days, or both, in the discretion of the court. Each day of the violation(s) shall be considered a separate offense.

(Ord. No. 182, 7-25-89)

Sec. 12-27. Effective date.

The provisions of this article shall become effective after its adoption and publication as required by law.

(Ord. No. 182, 7-25-89)

Secs. 12-28 – 12-50. Reserved.**ARTICLE III. GRASS, WEEDS AND OTHER RANK VEGETATION*****Sec. 12-51. Cutting and removal.**

It shall be unlawful for any owner, lessee or occupant or any agent, servant, representative or employee of such owner, lessee or occupant having control of any occupied or unoccupied lot or land or any part thereof in the city to permit or maintain on any such lot or land or any part thereof, including the green belt out to and abutting the developed public street, in the city to permit or maintain on any such lot or land any growth of weeds, grass or other rank vegetation to a greater height than twelve (12) inches on the average, or any accumulation of dead weeds, grass or brush. It shall also be unlawful for any such person to cause, suffer or allow poison ivy, ragweed or other poisonous plants, or plants detrimental to health to grow on any such lot or land in such manner that any part of such ivy, ragweed or other poisonous or harmful weed shall extend upon, overhand or border any public place or to allow seed, pollen or other poisonous particles or emanations therefrom to be carried through the air into public places.

(Ord. No. 105C, § 1, 9-3-85)

Sec. 12-52. Duty of owner, lessee or occupant.

It shall be the duty of any owner, lessee or occupant of any lot or land to cut and remove or cause to be cut and removed or destroyed by lawful means all such weeds, grass or other rank, poisonous or harmful vegetation as often as may be necessary to comply with the provisions of this article, provided that the cutting, removing or destroying of such weeds, grass and vegetation at least once in every month between May fifteenth and September fifteenth shall be deemed to be in compliance with this article.

(Ord. No. 105C, § 2, 9-3-85)

Sec. 12-53. Exemptions.

Exempted from the provisions of this article are flower gardens, plots of shrubbery, vegetable gardens and small grain plots. An exemption under the terms of this article cannot be claimed unless the land has been subjected to cultural operations.

(Ord. No. 105C, § 3, 9-3-85)

***State law reference**-Control and eradication of noxious weeds, MCL 247.61 et seq., MSA 9.631(1) et seq.

Sec. 12-54. Enforcement.

If the provisions of this article are not complied with, the city clerk shall notify the owner of the premises one (1) time during a season by first class mail, to comply with the provisions of this article within a time to be specified in the notice. The notice shall require compliance within ten (10) days after mailing of such notice, and if such notice is not complied with within the time limited, the city clerk shall cause such weeds, grass and other vegetation to be removed or destroyed, thereafter no notice shall be given, but rather the city clerk will cause such weeds, grass and other vegetation to be removed or destroyed whenever the provisions of this article are not complied with. The actual cost of such cutting plus an administrative charge as set by city council resolution shall become a lien against the premises and the owner shall be invoiced. If after October first such debt is still outstanding, such fee shall become a lien against the premises and shall be placed on the December tax roll for collection. The removal, cutting or destruction of weeds, grass and other vegetation may be completed by the department of public works or an agent retained by the city.

(Ord. No. 105C, § 4, 9-3-85)